

even though the insulating film is a gate insulating film, the function is an insulating film and partially over the switching element.” Pages 2 and 6 of Final Rejection. Applicants respectfully disagree that Shimada reads on the claimed invention as Shimada does not disclose or suggest the claimed feature of “a first interlayer insulating film formed over the switching element” (emphasis added).

In particular, as shown in Figs. 14 and 16, and col. 9, ln. 17 of Shimada and as the Examiner admits, reference numeral 34 is not an interlayer insulating film but a gate insulating film. As stated at col. 9, lns. 40-41 in Shimada, “[t]he TFT 40 functions as a switching element...” Shimada further states that “A TFT 40 is formed by the gate electrode 33, the gate insulating film 34, the semiconductor layer 35, the source electrode 36, and the drain electrode 37” (emphasis added). Col. 9, lns. 38-40 in Shimada.

Hence, gate insulating film 34 is part of TFT 40. Film 34 cannot be a first insulating layer formed over the switching element (TFT 40) if it is part of TFT 40.

The Examiner, however, contends that gate insulating film 34 is partially over switching element 40. It is not seen how film 34, which is part of TFT 40, can also be over TFT 40 (e.g. film 34 does not include any portion that loops back and over TFT 40).

Therefore, Shimada does not disclose or suggest the claimed feature of a first interlayer insulating film formed over the switching element recited in independent Claims 68, 71 and 76. If the Examiner chooses to continue this rejection, then Applicants request a detailed and clear explanation for how gate insulating film 34 can be deemed to be formed over TFT 40.

The Examiner also contends that “Hirota further teaches (col. 5, lines 11-52; Fig. 1) that an active matrix element (18) having insulation layer (4) functions as first interlayer insulating film over

the switching element (transistor)...and such active matrix element having improved reflectivity (col. 2, lines 10-14)” (emphasis in original). Applicants respectfully disagree with this interpretation of the reference.

For example, Col. 2, lns. 10-14 in Hirota discuss a reduction in reflectivity. Col. 3, lns. 11-20 in Hirota discusses this reduction in reflectivity as mainly resulting from a single dielectric film (8). This effect does not appear to be the result of second spin-on-glass insulation layer (4). Hence, there would have been no motivation for one skilled in the art to combine Shimada’s display with the insulation layer (4) from Hirota to arrive at the claimed invention. Accordingly, it is respectfully submitted that the combination of these references to reject the claims is improper and the rejection based thereon should be withdrawn.

Therefore, Claims 68-78 are patentable over the cited references, and it is respectfully requested that this rejection be withdrawn.

Double Patenting

The Examiner also rejects Claims 42-43, 47-53 and 57-64 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-55 of US 6,426,787 and over Claims 1-36 of US 6,707,521. These rejections are respectfully traversed.

It is respectfully requested that this rejection be held in abeyance until the §103(a) rejection is overcome and the claims are in their final form.

Conclusion

It is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any fee is due for this response, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark J. Murphy', written over a horizontal line.

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